


LARA PAVANELLI

1/7/2015

1 (Pages 1 to 4)

<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO</p> <p>2 EASTERN DIVISION</p> <p>3 DRFP L.L.C., d/b/a Skye ) Ventures, )</p> <p>4 ) Plaintiff, )</p> <p>5 ) VS. ) CIVIL ACTION NUMBER: 6 ) 2:04-CV-0793 Republica Bolivariana de ) 7 Venezuela, et al., ) 8 Defendants. )</p> <p>9</p> <p>10 *****</p> <p>11 ORAL/VIDEO DEPOSITION OF 12 LARA PAVANELLI 13 VOLUME 1 14 JANUARY 7, 2015</p> <p>15 *****</p> <p>16</p> <p>17 ORAL DEPOSITION OF LARA PAVANELLI, produced as a 18 witness at the instance of the Defendant, was duly 19 sworn, was taken in the above-styled and numbered cause 20 on the JANUARY 7, 2015, from 9:02 a.m. to 4:25 p.m., 21 before Chris Carpenter, CSR, in and for the State of 22 Texas, reported by machine shorthand, at the offices of 23 Reeves &amp; Brightwell, LLP, Austin, Travis County, Texas, 24 pursuant to the Federal Rules of Civil Procedure and the 25 provisions stated on the record or attached hereto.</p>	<p style="text-align: right;">3</p> <p>1 INDEX</p> <p>2 Appearances.....2</p> <p>3 LARA PAVANELLI</p> <p>4 Examination by Mr. Schwartz.....4</p> <p>5 Signature and Changes.....186</p> <p>6 Reporter's Certificate.....187</p> <p>7 EXHIBITS</p> <p>8 NO. DESCRIPTION PAGE MARKED</p> <p>9 1 Subpoena to Produce Documents 88</p> <p>10 2 Subpoena to Testify at a Deposition 101</p> <p>11 3 E-Mail, Dec. 10, 2014 101</p> <p>12 4 Indictment and Conviction Documents 127</p> <p>13 5 English Translation of Excerpts of Italian 131 Court Document</p> <p>14</p> <p>15 6 Authorization Document Bates Stamped 134 LP00003</p> <p>16 7 Revocation of Power of Attorney, Pages 19 137 Of 40 and 39 of 40 of Document 253-2</p> <p>17</p> <p>18 8 Revocation of Power of Attorney, Aug. 8th, 139 2011</p> <p>19 9 Siro Schianchi Letter, June 9, 2011 142</p> <p>20 10 Amended Bandagro Notes Agreement 161</p> <p>21 11 Amended Escrow Agreement 162</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">2</p> <p>1</p> <p>2</p> <p>3 A P P E A R A N C E S</p> <p>4 FOR THE PLAINTIFF:</p> <p>5 Charles "Chip" H. Cooper, Jr. (by telephone) Cooper &amp; Elliott 6 2175 Riverside Drive Columbus, OH 43221 7 (614) 481-6000 chipc@cooperelliott.com</p> <p>8</p> <p>9 FOR THE DEFENDANT(S):</p> <p>10 Andrew Z. Schwartz Kevin J. Conroy 11 FOLEY &amp; HOAG LLP 155 Seaport Blvd. 12 Boston, MA 02210-2600 (617) 832-1000 13 aschwartz@foleyhoag.com</p> <p>14 FOR THE DEPONENT:</p> <p>15 Eddie Krenek KRENEK LAW OFFICES 16 423 Mason Park Blvd., Suite C. Katy, TX 77450 17 (281) 578-7711 edkrenek@kreneklaw.com</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 Debra Austin, Videographer</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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4 (Pages 13 to 16)

<p style="text-align: right;">13</p> <p>1 Q. And what are their names?</p> <p>2 <b>A. Jean Pierre Bon. It's J-E-A-N, P-I-E-R-R-E,</b></p> <p>3 <b>B-O-N. I've also exchanged e-mails with Adam Richards.</b></p> <p>4 Q. And who else? I'm sorry.</p> <p>5 <b>A. Adam Richards. And that's all I can recall at</b></p> <p>6 <b>the moment.</b></p> <p>7 Q. All right. How many e-mails have you exchanged</p> <p>8 with Adam Richards using that e-mail address?</p> <p>9 <b>A. I don't recall how many.</b></p> <p>10 Q. More than ten?</p> <p>11 <b>A. I have no idea. I would have to look at my</b></p> <p>12 <b>e-mail to give you a definitive answer.</b></p> <p>13 Q. Who is Sabina Fortin?</p> <p>14 <b>A. She's a shareholder.</b></p> <p>15 Q. Of Gruppo Triad?</p> <p>16 <b>A. Uh-huh. Yes.</b></p> <p>17 Q. What percentage does she own of the shares?</p> <p>18 <b>A. As far as I know, 5 percent.</b></p> <p>19 Q. Where does Sabina Fortin live?</p> <p>20 <b>A. I believe she currently lives in Italy.</b></p> <p>21 Q. Where in Italy?</p> <p>22 <b>A. I don't know the exact address.</b></p> <p>23 Q. Do you know what city, town or region she lives</p> <p>24 in?</p> <p>25 <b>A. No, I don't. She's moved several times, so I</b></p>	<p style="text-align: right;">15</p> <p>1 shareholder?</p> <p>2 <b>A. He's currently, as far as I know, he's not a</b></p> <p>3 <b>shareholder.</b></p> <p>4 Q. What kind of investor is he?</p> <p>5 <b>A. I'm not sure I'm understanding the question.</b></p> <p>6 Q. You identified him as an investor. I'm just</p> <p>7 trying to understand what the nature of his investment</p> <p>8 is. Can you tell us?</p> <p>9 <b>A. He's invested in the Gruppo Triad.</b></p> <p>10 Q. How?</p> <p>11 <b>A. With money. Again, not sure what you're asking</b></p> <p>12 <b>me.</b></p> <p>13 Q. How much money has Jean Pierre Bon invested in</p> <p>14 Gruppo Triad?</p> <p>15 <b>A. I'm not quite sure how much exactly at this</b></p> <p>16 <b>point.</b></p> <p>17 Q. What did he get in exchange for his monetary</p> <p>18 investment?</p> <p>19 <b>A. I believe he has documents showing that -- that</b></p> <p>20 <b>he will be repaid.</b></p> <p>21 Q. On what terms?</p> <p>22 <b>A. I don't know. I don't -- I don't have a formal</b></p> <p>23 <b>letter in my possession, so.</b></p> <p>24 Q. So, as you sit here today, you don't know how</p> <p>25 much he invested and what return he may be entitled to?</p>
<p style="text-align: right;">14</p> <p>1 <b>don't actually have her current address.</b></p> <p>2 Q. Who is Riccardo Rogina?</p> <p>3 <b>A. Also a shareholder.</b></p> <p>4 Q. What percentage does he own?</p> <p>5 <b>A. Six percent.</b></p> <p>6 Q. Where does he live?</p> <p>7 <b>A. He lives in Torino.</b></p> <p>8 Q. Do you know his address in Torino?</p> <p>9 <b>A. I -- not off the top of my head.</b></p> <p>10 Q. Do you have that information somewhere</p> <p>11 available to you?</p> <p>12 <b>A. I do in my notes, yes.</b></p> <p>13 Q. What notes?</p> <p>14 <b>A. My personal notes.</b></p> <p>15 Q. What do you mean by personal notes?</p> <p>16 <b>A. As in an address book with people's addresses.</b></p> <p>17 Q. Do you have a hard copy address book or you</p> <p>18 looking -- talking about your phone? What do you mean</p> <p>19 by notes in this regard?</p> <p>20 <b>A. Something that's written on a piece of paper.</b></p> <p>21 Q. Where is that piece of paper?</p> <p>22 <b>A. In my house.</b></p> <p>23 Q. Who is Jean Pierre Bon?</p> <p>24 <b>A. He is an investor.</b></p> <p>25 Q. Are you using investor as distinct from</p>	<p style="text-align: right;">16</p> <p>1 <b>A. That's correct.</b></p> <p>2 Q. What have you communicated about by e-mail with</p> <p>3 Adam Richards?</p> <p>4 <b>A. I -- I don't recall the -- all the e-mails.</b></p> <p>5 Q. Do you recall the subject matter of any of</p> <p>6 them?</p> <p>7 <b>A. I can tell you his last e-mail, because I</b></p> <p>8 <b>remember that one, where he was asking me questions, but</b></p> <p>9 <b>I did not answer to the e-mail. I referred him to my</b></p> <p>10 <b>attorney.</b></p> <p>11 Q. When did Adam Richards send you this last</p> <p>12 e-mail?</p> <p>13 <b>A. I think just a couple of days ago or maybe last</b></p> <p>14 <b>week. I think last week actually.</b></p> <p>15 Q. As best you can recall this e-mail from last</p> <p>16 week, what type of questions was he asking?</p> <p>17 <b>A. Same questions similar to what you're asking me</b></p> <p>18 <b>now.</b></p> <p>19 Q. He was asking you about your use of the e-mail</p> <p>20 account that is lpavanelli --</p> <p>21 <b>A. No. He was asking me about the shareholders</b></p> <p>22 <b>and investors. I think he was trying to get ready for</b></p> <p>23 <b>this deposition as well.</b></p> <p>24 Q. How many questions did he ask?</p> <p>25 <b>A. I don't know, half a dozen.</b></p>

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5 (Pages 17 to 20)

17

1 Q. Can you remember any others?

2 A. **Not at this time, no.**

3 Q. You still have a copy of that e-mail in your  
4 in-box?

5 A. **I do.**

6 Q. Can you recall any of the other e-mails that  
7 Adam Richards has sent you?

8 A. **Not in detail, no.**

9 Q. Can you recall them in any matter, at any level  
10 of detail?

11 A. **It was usually very short e-mails. Very brief**  
12 **communications.**

13 Q. Concerning what subjects?

14 A. **I -- I don't recall.**

15 Q. When did you first start receiving e-mails from  
16 Adam Richards?

17 A. **Fairly recently.**

18 Q. Did you receive any of -- any e-mails from him  
19 prior to 2014?

20 A. **I don't believe so, no.**

21 Q. Prior to 2014, did you ever speak with Adam  
22 Richards?

23 A. **Yes, I did.**

24 Q. When did you first speak with him?

25 A. **I believe it was 2010, after my father's death.**

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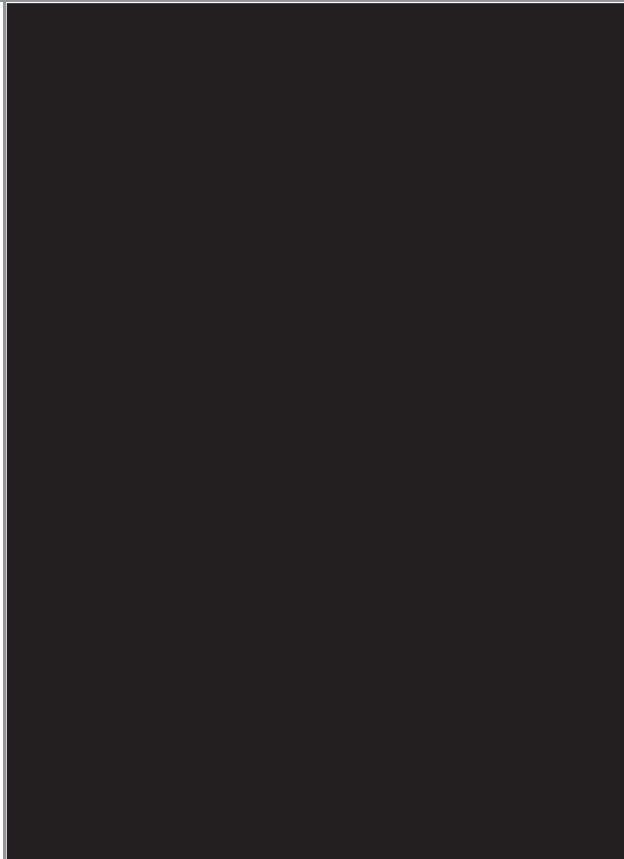
13 (Pages 49 to 52)

	<p style="text-align: right;">51</p> <p>1 <b>so.</b></p> <p>2 Q. Have you exchanged any e-mails with her</p> <p>3 concerning Gruppo Triad affairs since your father's</p> <p>4 death?</p> <p>5 <b>A. Very few.</b></p> <p>6 Q. But some?</p> <p>7 <b>A. Yeah, but it's more like notices, similar to</b></p> <p>8 <b>notices that I would send to other shareholders.</b></p> <p>9 Q. What types of notices have you sent to Gruppo</p> <p>10 Triad shareholders after your father's death?</p> <p>11 <b>A. Notifying them that -- that we found a new</b></p> <p>12 <b>lawyer. I mean, things like that, things of that</b></p> <p>13 <b>nature.</b></p> <p>14 Q. When your father, did he leave a Will or the</p> <p>15 equivalent of a Will in Italy?</p> <p>16 <b>A. We believe that there was one, but we haven't</b></p> <p>17 <b>located it.</b></p> <p>18 Q. When he died, he was in Switzerland, correct?</p> <p>19 <b>A. Correct.</b></p> <p>20 Q. As far as you're aware, was he then residing</p> <p>21 full time in Switzerland?</p> <p>22 <b>A. As far as I know, yes.</b></p> <p>23 Q. When did he first start to reside full time in</p> <p>24 Switzerland?</p> <p>25 <b>A. I couldn't tell you. I don't know.</b></p>
<p style="text-align: right;">50</p> <p>1 <b>A. She's in Italy.</b></p> <p>2 Q. Where?</p> <p>3 <b>A. Perugia.</b></p> <p>4 THE COURT REPORTER: How do you spell it?</p> <p>5 THE WITNESS: P-E-R-U-G-I-A.</p> <p>6 Q. (By Mr. Schwartz) How old is she now?</p> <p>7 <b>A. 41, 42, 41.</b></p> <p>8 Q. What does she do in Perugia?</p> <p>9 <b>A. She is a stay-at-home mom.</b></p> <p>10 Q. How many children does she have?</p> <p>11 <b>A. Three.</b></p> <p>12 Q. Before becoming a stay-at-home mom, was she</p> <p>13 employed?</p> <p>14 <b>A. I believe she worked for a little while, yes.</b></p> <p>15 Q. And in what industry or business?</p> <p>16 <b>A. If she worked for Fila, I believe. She was an</b></p> <p>17 <b>admin assistant, something like that.</b></p> <p>18 Q. Since your father's death, have you had any</p> <p>19 communications with your sister about Gruppo Triad?</p> <p>20 <b>A. Minimal.</b></p> <p>21 Q. What has the nature of those minimal</p> <p>22 communications been?</p> <p>23 <b>A. I guess they've mostly been about me trying to</b></p> <p>24 <b>inform her of things that are going on or things that</b></p> <p>25 <b>need to be done, but she's not really very interested,</b></p>	<p style="text-align: right;">52</p> <p>1 Q. Did he move directly there from the Como area</p> <p>2 in Italy?</p> <p>3 <b>A. I -- I don't know.</b></p> <p>4 Q. Did you ever visit him in Switzerland?</p> <p>5 <b>A. I did.</b></p> <p>6 Q. Where? The same location where he -- where he</p> <p>7 died?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Where was that?</p> <p>10 <b>A. A small town of -- I don't recall the name at</b></p> <p>11 <b>this moment.</b></p> <p>12 Q. When did you visit there?</p> <p>13 <b>A. When my son was two years old, so 2005. And</b></p> <p>14 <b>before that, when I was pregnant, I think.</b></p> <p>15 Q. Sometime in 2004?</p> <p>16 <b>A. 2003, we visited.</b></p> <p>17 Q. Oh, I'm sorry, I did the math wrong.</p> <p>18 <b>A. And then 2005, I visited with my son.</b></p> <p>19 Q. So 2003, when you were pregnant. 2005, after</p> <p>20 your son was two years old?</p> <p>21 <b>A. Yeah, he was little, uh-huh.</b></p> <p>22 Q. When you visited in 2003, was it your</p> <p>23 understanding that your father was then residing full</p> <p>24 time in Switzerland?</p> <p>25 <b>A. No. He was going back and forth to Italy, I</b></p>

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14 (Pages 53 to 56)

<p style="text-align: right;">53</p> <p>1 <b>believe.</b></p> <p>2 Q. Between the same place in Switzerland and --</p> <p>3 and the Como area, as far as you know?</p> <p>4 <b>A. I couldn't tell you. I mean, our visits were</b></p> <p>5 <b>family visits, so, I was -- I don't know. I don't</b></p> <p>6 <b>remember much of my pregnancy year either.</b></p> <p>7 Q. Fair enough. So you said that you thought your</p> <p>8 father left a Will but you couldn't find it?</p> <p>9 <b>A. Correct.</b></p> <p>10 Q. What made you think that he left a Will?</p> <p>11 <b>A. Because somebody said he had a Will.</b></p> <p>12 Q. Who said that?</p> <p>13 <b>A. Schianchi.</b></p> <p>14 Q. When did Schianchi say that?</p> <p>15 <b>A. At the meeting in 2010.</b></p> <p>16 Q. The Gruppo Triad shareholders meeting?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And that was roughly a month after your</p> <p>19 father's death?</p> <p>20 <b>A. Correct.</b></p> <p>21 Q. Prior to that time, did you have any</p> <p>22 information one way or another as to whether your father</p> <p>23 had left a Will?</p> <p>24 <b>A. No, I didn't know.</b></p> <p>25 Q. What exactly did Schianchi say about there</p>	<p style="text-align: right;">55</p> <p>1 <b>A. We did one in a local village where he was</b></p> <p>2 <b>residing.</b></p> <p>3 Q. In which country?</p> <p>4 <b>A. In Switzerland.</b></p> <p>5 Q. Who was present?</p> <p>6 <b>A. Besides my sister and I?</b></p> <p>7 Q. Yes.</p> <p>8 <b>A. The Rogina family was there. Mostly local</b></p> <p>9 <b>friends of his.</b></p> <p>10 Q. How many people total, as best you can</p> <p>11 estimate?</p> <p>12 <b>A. Maybe 20.</b></p> <p>13 Q. How old was your father when he died?</p> <p>14 <b>A. 63.</b></p> <p>15 Q. How long did you stay in Europe when you made</p> <p>16 this trip for the funeral?</p> <p>17 <b>A. About a month.</b></p> <p>18 Q. Why did you stay that long?</p> <p>19 <b>A. Because it takes that long to take care of</b></p> <p>20 <b>business in Europe.</b></p> <p>21 Q. Did you stay in Switzerland for the entire</p> <p>22 month?</p> <p>23 <b>A. No. We went back to Italy.</b></p> <p>24 Q. How long were you in Switzerland and how long</p> <p>25 in Italy?</p>
<p style="text-align: right;">54</p> <p>1 having been a Will?</p> <p>2 <b>A. That he had given -- that he had given him one</b></p> <p>3 <b>but then he had taken it back because he was going to</b></p> <p>4 <b>change it but Schianchi then never got the final Will.</b></p> <p>5 Q. And did Schianchi as far as you know have the</p> <p>6 prior Will?</p> <p>7 <b>A. He said he gave it back to him.</b></p> <p>8 Q. He didn't have a copy of it?</p> <p>9 <b>A. Apparently not. If he did, he didn't show me.</b></p> <p>10 Q. After you learned that your father died, did</p> <p>11 you travel to Switzerland or Italy?</p> <p>12 <b>A. Yes, I did.</b></p> <p>13 Q. Where did you go?</p> <p>14 <b>A. I went to Perugia, and together with my sister,</b></p> <p>15 <b>we went up to Switzerland.</b></p> <p>16 MR. COOPER: I'm sorry. I didn't hear the</p> <p>17 last question.</p> <p>18 MR. SCHWARTZ: They went -- I'm -- and I'm</p> <p>19 paraphrasing, Lara and Emma went to Perugia and from</p> <p>20 there to Switzerland.</p> <p>21 Q. (By Mr. Schwartz) Right?</p> <p>22 <b>A. Uh-huh. Correct.</b></p> <p>23 Q. Was there a funeral?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Where?</p>	

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15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 Q. Are you suggesting that somebody did a test on</p> <p>2 your sister to make sure that she was related to your</p> <p>3 father or that the test was done on your father or the</p> <p>4 remains?</p> <p>5 <b>A. Both.</b></p> <p>6 Q. All right. Other than attending to</p> <p>7 the funeral, what other business did you attend to in</p> <p>8 the aftermath of your father's death during the month</p> <p>9 that you were in Europe?</p> <p>10 <b>A. We had a meeting at Schianchi's office.</b></p> <p>11 Q. Who attended that?</p> <p>12 <b>A. Whichever shareholder could make it, or what</b></p> <p>13 <b>was believed at that time to be shareholders. I don't</b></p> <p>14 <b>know.</b></p> <p>15 Q. So are you -- when you said there was a meeting</p> <p>16 at Schianchi's office, are you talking about the same</p> <p>17 group of Triad shareholder meeting that you've testified</p> <p>18 to a few minutes ago?</p> <p>19 <b>A. Correct.</b></p> <p>20 Q. We'll get into that meeting later in the</p> <p>21 deposition, but other than attending to the funeral and</p> <p>22 going to that meeting at Schianchi's office, were there</p> <p>23 any other business activities that you had to attend to</p> <p>24 in the aftermath of your father's death?</p> <p>25 <b>A. No.</b></p>	<p style="text-align: right;">59</p> <p>1 <b>A. Not that I know of.</b></p> <p>2 Q. Did he have any liabilities at the time of his</p> <p>3 death?</p> <p>4 <b>A. Not that I know of.</b></p> <p>5 Q. And I -- I'm sure these are not the simplest or</p> <p>6 easiest questions to answer and I don't really mean to</p> <p>7 be making this any more of a laborious exercise for you</p> <p>8 than it has to be; but are you testifying, in essence,</p> <p>9 that if your father had been asked to prepare a</p> <p>10 financial statement listing assets and liabilities the</p> <p>11 day before he died, he would have had literally no</p> <p>12 assets to list and no liabilities as far as you know?</p> <p>13 <b>A. I don't know. I mean, his whole life was</b></p> <p>14 <b>involved in his business, so my guess is whatever his</b></p> <p>15 <b>business dealings were. But as far as I know, he did</b></p> <p>16 <b>not own a property and/or any other type of real estate.</b></p> <p>17 Q. Did he have a bank account?</p> <p>18 <b>A. Oh.</b></p> <p>19 MR. COOPER: Did he have a what?</p> <p>20 MR. SCHWARTZ: A bank account.</p> <p>21 <b>A. Well, I'm sure he did, but we're unaware of</b></p> <p>22 <b>where -- where it is, which one it is, we don't know.</b></p> <p>23 Q. (By Mr. Schwartz) After he died, did you or any</p> <p>24 other member of the family or anybody else, Schianchi,</p> <p>25 or another lawyer, make any effort to locate any assets</p>
<p style="text-align: right;">58</p> <p>1 Q. Do I understand correctly that no Will has ever</p> <p>2 been found?</p> <p>3 <b>A. Correct.</b></p> <p>4 Q. Has there been any type of what we would call,</p> <p>5 at least in some places in the United States, a probate</p> <p>6 proceeding of any kind to deal with his assets or</p> <p>7 liabilities that existed at the time of his death?</p> <p>8 <b>A. No.</b></p> <p>9 Q. So any kind of legal proceeding at all in</p> <p>10 Switzerland or Italy or any other place to deal with the</p> <p>11 distribution of any assets he may have had to his heirs</p> <p>12 or successors?</p> <p>13 <b>A. No. Or at least not that I know of.</b></p> <p>14 Q. What country was your father a citizen of at</p> <p>15 the time of his death?</p> <p>16 <b>A. Italy.</b></p> <p>17 Q. How do you know that?</p> <p>18 <b>A. He's only ever been Italian.</b></p> <p>19 Q. When your father died, did he leave any assets?</p> <p>20 Let me rephrase that question.</p> <p>21 Did he have any assets?</p> <p>22 <b>A. Describe what you mean by assets.</b></p> <p>23 Q. Cash, securities, real estate, personal</p> <p>24 property, art, whatever somebody might own at the time</p> <p>25 of death.</p>	<p style="text-align: right;">60</p> <p>1 or identify any liabilities?</p> <p>2 <b>A. We asked Schianchi to do so, but he said that</b></p> <p>3 <b>it was too difficult. There were hundreds of thousands</b></p> <p>4 <b>of banks in Switzerland.</b></p> <p>5 Q. So as far as you know, no effort was made?</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. And as far as you know, your father had no</p> <p>8 safety deposit box or anything like that where</p> <p>9 securities or financial instruments or precious items</p> <p>10 might have been stored?</p> <p>11 <b>A. I don't know.</b></p> <p>12 Q. In any event, as far as you know, nothing like</p> <p>13 that has never been found?</p> <p>14 <b>A. As far as I know.</b></p> <p>15 Q. Was any effort ever made to identify any</p> <p>16 liabilities he may have had?</p> <p>17 <b>A. I would also have to say I don't know.</b></p> <p>18 MR. SCHWARTZ: Bear with me for one</p> <p>19 second.</p> <p>20 Q. (By Mr. Schwartz) What is your understanding of</p> <p>21 how your father died?</p> <p>22 <b>A. He burned to death in a house fire.</b></p> <p>23 Q. At the time, was he living in a single-family</p> <p>24 house in Switzerland?</p> <p>25 <b>A. Yes.</b></p>

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19 (Pages 73 to 76)


	<p style="text-align: right;">75</p> <p>1 Q. (By Mr. Schwartz) So, Ms. Pavanelli, without 2 divulging any communication that you have had with 3 Mr. Serra, can you tell me, as a general matter, what is 4 the purpose for which he has been hired? 5 <b>A. To be our legal counsel.</b> 6 Q. In what matter or matters? 7 <b>A. Everything and anything in Switzerland.</b> 8 Q. What legal proceedings are -- if any, are 9 ongoing in Switzerland for which Gruppo Triad needs 10 representation? 11 <b>A. I actually don't know. It's very unclear, so</b> 12 <b>that's why we've hired an attorney.</b> 13 Q. Has Mr. Serra been hired to do anything having 14 to do with the lawsuit that has you sitting here today? 15 <b>A. No.</b> 16 Q. Has Mr. Serra been hired to do anything 17 concerning the relationship or dealings between Gruppo 18 Triad and Skye Ventures? 19 <b>A. No.</b> 20 Q. When you hired Mr. Serra a few months ago, did 21 you notify Mr. Schianchi that you were doing so? 22 <b>A. He -- his -- I don't know how to phrase it.</b> 23 <b>His employment with us, I guess you should say, I don't</b> 24 <b>know -- he was terminated, to put it --</b> 25 Q. Schianchi was terminated?</p>
<p style="text-align: right;">74</p> <p>1 Q. Gruppo Triad and you personally? 2 <b>A. Not me personally, just the company has.</b> 3 Q. Okay. What has the company hired him to do? 4 <b>A. Obtain --</b> 5 MR. KRENEK: Hold on a second. 6 Let me lodge an objection. That calls for 7 some privilege. 8 THE WITNESS: Yeah. 9 MR. KRENEK: To the extent that there's 10 conversations you've had with him, those are privileged, 11 so if you answer the question without getting into 12 privileged conversation, by all means, do so. But don't 13 talk about privileged conversations. 14 MR. SCHWARTZ: Let me -- I appreciate the 15 objection. And let me sharpen the question a bit for 16 you to try to accommodate the objection. 17 Bearing in mind, just so the record is 18 clear, that my clients reserve their rights to seek to 19 override any privilege that's being asserted. But since 20 that issue hasn't yet been litigated to conclusion 21 currently before any court, I understand why Mr. Krenek 22 is imposing that objection. And subject to and without 23 waiver of my clients' rights, Mr. Krenek, I'm going to 24 reframe the question to try to accommodate the 25 objection.</p>	<p style="text-align: right;">76</p> <p>1 <b>A. -- bluntly. Yes.</b> 2 Q. Who terminated him? 3 <b>A. I did.</b> 4 Q. When? 5 <b>A. A short while before we hired the other</b> 6 <b>attorney.</b> 7 Q. Sometime in 2014? 8 <b>A. Yes.</b> 9 Q. How did you communicate this termination to 10 Schianchi? 11 <b>A. By notarized letter.</b> 12 Q. Do you still have a copy of that letter? 13 <b>A. I'm sure I do, yeah.</b> 14 Q. Is that among the documents that you have 15 produced pursuant to the subpoena in this case? 16 <b>A. I believe so. I'd have to look back.</b> 17 Q. Okay. Now, I want to go back to some of your 18 testimony from a few moments ago. Actually, before do I 19 that, let me ask you this: Why did you terminate 20 Schianchi? 21 <b>A. Because I don't believe he's -- or -- or has</b> 22 <b>been acting in Triad's best interests.</b> 23 Q. How has he not been doing that? 24 <b>A. By providing private documents to other</b> 25 <b>parties.</b></p>



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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 Q. What other parties?</p> <p>2 <b>A. I believe he disclosed our shareholder meeting</b></p> <p>3 <b>minutes to Skye Ventures.</b></p> <p>4 Q. Are there any other private documents he has</p> <p>5 provided to other parties?</p> <p>6 <b>A. I don't know. That's the only one I'm aware</b></p> <p>7 <b>of.</b></p> <p>8 Q. When did he provide the shareholder meeting</p> <p>9 minutes to Skye Ventures?</p> <p>10 <b>A. I don't know when he provided them to them.</b></p> <p>11 Q. How did you learn that he had done so?</p> <p>12 <b>A. I think when I -- I don't know. I don't recall</b></p> <p>13 <b>when exactly I found out.</b></p> <p>14 Q. I'm asking you how did you find out?</p> <p>15 <b>A. Oh. I -- I don't recall. It was -- I found</b></p> <p>16 <b>out through a third party, so...</b></p> <p>17 Q. What third party?</p> <p>18 <b>A. I don't recall.</b></p> <p>19 Q. Why did you think that that was reason to</p> <p>20 terminate him?</p> <p>21 <b>A. Because he is violating attorney-client</b></p> <p>22 <b>privilege.</b></p> <p>23 Q. Is there anything else that Schianchi had done</p> <p>24 or not done that caused you to terminate him in 2014?</p> <p>25 <b>A. He was not cooperating.</b></p>	<p style="text-align: right;">79</p> <p>1 Q. Independent of what other shareholders may have</p> <p>2 provided to you, have you found any other documents or</p> <p>3 information concerning your father's business or Gruppo</p> <p>4 Triad since your father died?</p> <p>5 <b>A. Can you rephrase the beginning of the question?</b></p> <p>6 Q. Yeah. You have testified now, to some extent,</p> <p>7 about your efforts to get documents concerning Gruppo</p> <p>8 Triad or your father's business from the other Gruppo</p> <p>9 Triad shareholders, right?</p> <p>10 <b>A. Uh-huh.</b></p> <p>11 Q. And let's just pause there.</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And let me ask you: Have you -- have you told</p> <p>14 me everything that you can and that you remember about</p> <p>15 your efforts to obtain documents from other</p> <p>16 shareholders?</p> <p>17 <b>A. I mean, it's an ongoing thing. I am still at</b></p> <p>18 <b>the moment trying to locate more documents.</b></p> <p>19 Q. But so far as you've had success to date, have</p> <p>20 you told me everything that you have achieved by asking</p> <p>21 other shareholders to provide information?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Now, I think you also testified that you,</p> <p>24 yourself, independently have made efforts to find</p> <p>25 records of your father's or Gruppo Triad's business</p>
<p style="text-align: right;">78</p> <p>1 Q. How was he not cooperating?</p> <p>2 <b>A. By not providing the information that I</b></p> <p>3 <b>requested.</b></p> <p>4 Q. What information?</p> <p>5 <b>A. I had asked for all documents to be turned</b></p> <p>6 <b>over.</b></p> <p>7 Q. Which ones do you think he is withholding?</p> <p>8 <b>A. I -- I can't say. I don't know.</b></p> <p>9 Q. You just don't trust him at this point?</p> <p>10 <b>A. Correct.</b></p> <p>11 Q. Now, I was going to go back, and I will now go</p> <p>12 back to something you said a moment ago just to clarify</p> <p>13 your testimony.</p> <p>14 So you said that you had asked all the</p> <p>15 other shareholders of Gruppo Triad, after your father</p> <p>16 died, for documents they may have, and you received from</p> <p>17 Sabrina Fortin at least one such document. Has any</p> <p>18 other shareholders of Gruppo Triad, as far as you can</p> <p>19 recall, given any documents to you directly since your</p> <p>20 father's death?</p> <p>21 <b>A. No.</b></p> <p>22 Q. And if they've given anything to Schianchi,</p> <p>23 other than maybe this Sabina Fortin document, you don't</p> <p>24 know what it is?</p> <p>25 <b>A. Correct.</b></p>	



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22 (Pages 85 to 88)

	<p style="text-align: right;">87</p> <p>1 Q. How did that work out?</p> <p>2 <b>A. It didn't.</b></p> <p>3 Q. Which companies did you contact?</p> <p>4 <b>A. Hotmail, Yahoo.</b></p> <p>5 Q. So you contacted the Internet service provider</p> <p>6 for those companies?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. And what happened?</p> <p>9 <b>A. They said I needed a court order.</b></p> <p>10 Q. Both Yahoo and Hotmail said that?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Did you make any effort to obtain a court</p> <p>13 order?</p> <p>14 <b>A. No.</b></p> <p>15 THE COURT REPORTER: Sorry?</p> <p>16 THE WITNESS: I said "No."</p> <p>17 <b>A. Again, we've had very limited resources.</b></p> <p>18 Q. (By Mr. Schwartz) How much money does Gruppo</p> <p>19 Triad have today?</p> <p>20 <b>A. I am unaware of any bank accounts or funds.</b></p> <p>21 <b>I'm sure there are some somewhere; I just haven't to</b></p> <p>22 <b>this date been able to locate them.</b></p> <p>23 Q. Have you been trying to locate them?</p> <p>24 <b>A. I did at the beginning.</b></p> <p>25 Q. And as you sit here today, you are unaware of</p>
<p style="text-align: right;">86</p> <p>1 <b>A. Correct.</b></p> <p>2 Q. And you also said that you had a discussion</p> <p>3 with Wick that went beyond Schoeni's resignation,</p> <p>4 correct?</p> <p>5 <b>A. Yeah. We mostly talk about -- I mean, it's a</b></p> <p>6 <b>time we mostly talked about Schianchi and -- and what</b></p> <p>7 <b>needed to be done.</b></p> <p>8 Q. And what was said in that regard?</p> <p>9 <b>A. That he could no longer represent us because we</b></p> <p>10 <b>don't feel he's representing us in -- in our best</b></p> <p>11 <b>interests.</b></p> <p>12 Q. And did Wick agree with that?</p> <p>13 <b>A. He did, yes.</b></p> <p>14 Q. What did he say about that?</p> <p>15 <b>A. Just that, that he agreed.</b></p> <p>16 Q. After your father died, was any effort made to</p> <p>17 locate or secure any of his electronic records, whether</p> <p>18 it was an e-mail account or any other form of electronic</p> <p>19 data?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Okay. What was done in that regard by whom?</p> <p>22 <b>A. My sister and I.</b></p> <p>23 Q. What did you do?</p> <p>24 <b>A. We contacted the companies where he had e-mails</b></p> <p>25 <b>and tried to get passwords.</b></p>	<p style="text-align: right;">88</p> <p>1 any current Gruppo Triad bank account anywhere of any</p> <p>2 nature?</p> <p>3 <b>A. Correct.</b></p> <p>4 Q. Other than contacting Hotmail and Yahoo or the</p> <p>5 owners of Hotmail or Yahoo, what else, if anything, have</p> <p>6 you or your sister done to try to locate any of your</p> <p>7 father's electronic or electronically-stored information</p> <p>8 after his death?</p> <p>9 <b>A. I asked Sabina Fortin if she was aware of any</b></p> <p>10 <b>passwords. I asked Schianchi. And none of them have</b></p> <p>11 <b>any of his passwords.</b></p> <p>12 Q. And other than those efforts, have either you</p> <p>13 or your sister, as far as you know, done anything to</p> <p>14 trip to recover your father's electronically-stored</p> <p>15 information after his death?</p> <p>16 <b>A. No. I think if we had his computer, it would</b></p> <p>17 <b>have been helpful, but it was burnt, so...</b></p> <p>18 Q. Okay. Now I'm going to shift gears, like I</p> <p>19 said I was going to do before we took a break a while</p> <p>20 ago.</p> <p>21 MR. SCHWARTZ: So let's mark this as</p> <p>22 Pavanelli Exhibit 1.</p> <p>23 (Exhibit 1 marked for identification.)</p> <p>24 MR. SCHWARTZ: I'm going to ask the court</p> <p>25 reporter to actually write "Pavanelli" on the exhibit</p>

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23 (Pages 89 to 92)

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1 sticker for each of these, because we are in the midst  
2 of a case that's had multiple depositions, and we'll  
3 have more, and it would be useful to have the exhibit  
4 stickers reflect the deponent.

5 So if that's not too much of a burden,  
6 Mr. Court Reporter, I'd ask as we mark this documents,  
7 if you'd just put the name of the witness above the --  
8 the number. All right. For the record, they're going  
9 to be marked below the number.

10 And for the benefit of Mr. Cooper on the  
11 phone, we will try to keep apprised of the flow of paper  
12 here as best we can.

13 We are marking now as Pavanelli Exhibit 1  
14 the subpoena for the production of documents by  
15 Ms. Pavanelli.

16 Q. (By Mr. Schwartz) All right. So Ms. Pavanelli,  
17 I have put before you a document marked as Deposition  
18 Exhibit 1. And directing your attention to the first  
19 page, do you see this is the subpoena that was served on  
20 you on December 17th of 2014, requiring you to produce  
21 documents in this case?

22 A. Uh-huh, yes.

23 Q. All right. And to the best of your knowledge,  
24 you did, in fact, produce documents through Mr. Krennek  
25 sometime within the past few days, correct?

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1 withheld the e-mails while producing the attachments,  
2 that's not a complete production and that needs to be  
3 rectified. So I'm just making that clear here on the  
4 record. If that's what she is testifying to, then the  
5 production is not complete. And I don't know how  
6 quickly that can be rectified, but it needs to be  
7 rectified.

8 MR. KRENEK: I understand what you're  
9 saying. I wasn't aware that there were e-mails that  
10 hadn't been produced. But to the extent that there are  
11 and to the extent that she is able to locate them and  
12 get them produced, we don't have a problem turning those  
13 over.

14 However, I will say since the 17th and the  
15 day of the subpoena, she has simply not had much time to  
16 get and locate and take care of all the document  
17 production requests just because of the time frame  
18 involved. And I had mentioned that to you. She did her  
19 best. We have done our best to have her here and  
20 present and produce documents, to the extent she has  
21 them. But if there are others that are e-mails, I'll  
22 visit with her to see how quickly those can be addressed  
23 and produced.

24 MR. SCHWARTZ: Thank you. And I want to  
25 make very clear that I'm not suggesting for a -- for an

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24 (Pages 93 to 96)

<p style="text-align: right;">93</p> <p>1 instant that you, as Ms. Pavanelli's counsel, was aware  2 that there were e-mails. Not for a second am I  3 intimating anything like that. So we'll just need to  4 collectively revisit that, because those could be  5 important sources of information.  6 Q. (By Mr. Schwartz) So I take it it's also true  7 that you didn't access any of the e-mails, or you at  8 least haven't produced any of the e-mails from the  9 account that you maintained and used for Gruppo Triad  10 purposes before you opened the new one, right? Is that  11 question clear or is it too verbose?  12 A. <b>Restate the question.</b>  13 Q. Yeah. I will.  14 Remind me, what e-mail address did you use  15 for Gruppo Triad business before  16 larapavanelli.Triad@gmail.com?  17 A. <b>LPavanelli@hotmail.com.</b>  18 Q. That's what I thought. And in producing  19 documents or looking for documents to produce in  20 response to this subpoena, did you try to access that  21 Hotmail account?  22 A. <b>I did.</b>  23 Q. Okay. And did you find any documents  24 concerning Gruppo Triad affairs in that Hotmail account?  25 A. <b>I'm unable to access the account.</b></p>	<p style="text-align: right;">95</p> <p>1 A. <b>No.</b>  2 Q. Was it early in the year? Late in the year?  3 A. <b>Probably early in the year.</b>  4 Q. All right. And tell me exactly what you did  5 after you got the subpoena to try to find e-mails from  6 the Hotmail account.  7 A. <b>I tried to get back into the account, but it --</b>  8 <b>they won't let me.</b>  9 Q. So you -- you entered your password?  10 A. <b>But -- but the attachments are what I printed,</b>  11 <b>so therefore, that came from that e-mail address, some</b>  12 <b>of the documents came from that. But that's the reason</b>  13 <b>why I don't have the e-mails.</b>  14 Q. How is it possible you were able to find  15 attachments to e-mails in the Hotmail account, but you  16 can't find the e-mails themselves?  17 A. <b>No, I didn't find the attachments in the e-mail</b>  18 <b>now. These are documents that I had printed at the time</b>  19 <b>when they were sent to me. Since the account had been</b>  20 <b>closed, I already had hard copies, and that's the reason</b>  21 <b>why I deleted the account.</b>  22 Q. At the time you deleted the Hotmail account or  23 closed the Hotmail account --  24 A. <b>Uh-huh.</b>  25 Q. -- let's put it that way, did you print out the</p>
<p style="text-align: right;">94</p> <p>1 Q. Why can't you access it?  2 A. <b>Because it's been deleted.</b>  3 Q. The account has been deleted?  4 A. <b>Yeah. I deleted that e-mail address.</b>  5 MR. COOPER: I'm sorry. I couldn't hear  6 the answer.  7 MR. SCHWARTZ: She said, "I deleted that  8 e-mail address."  9 Q. (By Mr. Schwartz) When did you delete the  10 e-mail address?  11 A. <b>When I created the new one.</b>  12 Q. And is it your understanding that when you  13 deleted the address, you destroyed all of the e-mails  14 that had been sent or received through that account?  15 A. <b>I mean, it was an account that was not</b>  16 <b>specifically for Triad, so it was what my e-mail address</b>  17 <b>was for a long time.</b>  18 Q. But it's an account that you did use for Triad-  19 related business, correct, while it was an open account?  20 A. <b>Yes.</b>  21 Q. And you closed that account sometimes --  22 sometime in 2014, when you opened the  23 LPavanelli.Triad@gmail.com account, correct?  24 A. <b>Yes.</b>  25 Q. Do you remember when in 2014 you did that?</p>	<p style="text-align: right;">96</p> <p>1 -- every single attachment that you've received in an  2 e-mail that concerned Gruppo Triad?  3 A. <b>I believe so, yes.</b>  4 Q. So you think you have all the attachments, but  5 you don't have any of the e-mails concerning Gruppo  6 Triad business from the Hotmail --  7 A. <b>Right.</b>  8 Q. Is that right?  9 A. <b>Correct.</b>  10 Q. Other than looking at your hard copy file for  11 Gruppo Triad and producing attachments to e-mails from  12 the current LPavanelli.Triad@gmail.com account, did you  13 do anything else to find documents to produce in  14 response to this document subpoena that's marked as  15 Exhibit 1?  16 A. <b>No.</b>  17 Q. Did you ask anybody if they had documents?  18 A. <b>No. The way that I understood the subpoena is,</b>  19 <b>you were asking me for what I had. I mean, I have been</b>  20 <b>asking other people for documents all along.</b>  21 Q. And to the extent you have obtained them from  22 other people, you have produced them to us?  23 A. <b>Yes.</b>  24 Q. Did you withhold any of the documents from  25 production on the grounds that they were subject to the</p>

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25 (Pages 97 to 100)

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1 attorney-client privilege or any other privilege or  
2 protection from discovery?

3 MR. KRENEK: I'm going to say for the  
4 record, she didn't withhold him, but I did withhold  
5 those that were, I believed, attorney-client privileged.  
6 I have not had an opportunity yet to make a privilege  
7 log.

8 MR. SCHWARTZ: All right. Can you give us  
9 some indication for the record the number of documents  
10 that were withheld, to the best of your knowledge?

11 THE WITNESS: Are you asking me?

12 MR. SCHWARTZ: No, I'm actually asking  
13 your counsel, unless you know.

14 Q. (By Mr. Schwartz) I'll start with you. Do you  
15 know?

16 A. **No, I don't know.**

17 Q. Okay. You have turned all the documents over  
18 to Mr. Krenek, correct?

19 A. **Yes.**

20 Q. And then you let him do his job?

21 A. **Yes.**

22 Q. Okay.

23 MR. KRENEK: It may have been somewhere  
24 between 60 or 80 pages.

25 MR. SCHWARTZ: All right.

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39 (Pages 153 to 156)

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<sup>1</sup> Q. (By Mr. Schwartz) As far as you know, did  
<sup>2</sup> Antonio Usuelli ever serve as a lawyer for Gruppo Triad?

<sup>3</sup> **A. I don't think so.**

<sup>4</sup> Q. All right. So now let's get going.

<sup>5</sup> As best you can recall, when he called you  
<sup>6</sup> several times after your father's death, what was on his  
<sup>7</sup> mind?

<sup>8</sup> **A. I don't recall. That was a long time ago.**

<sup>9</sup> Q. Do you remember what he said?

<sup>10</sup> **A. No. I think he was initially trying to explain**  
<sup>11</sup> **all of this to me. That's all I recall from those --**  
<sup>12</sup> **from those days.**

<sup>13</sup> Q. Did he indicate to you why he thought it was  
<sup>14</sup> his role to explain things to you?

<sup>15</sup> **A. No.**

<sup>16</sup> Q. Did he indicate to you in any way, shape, or  
<sup>17</sup> form that he had an interest in the outcome of the  
<sup>18</sup> lawsuit that Skye Ventures was bringing in Ohio?

<sup>19</sup> **A. No.**

<sup>20</sup> Q. As you sit here today, do you know whether he  
<sup>21</sup> has an interest in the outcome?

<sup>22</sup> **A. I am not certain.**

<sup>23</sup> Q. As you sit here today, do you know whether he  
<sup>24</sup> has any interest in whatever share of the litigation  
<sup>25</sup> proceeds Gruppo Triad may ever recover?

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40 (Pages 157 to 160)

<p style="text-align: right;">157</p> <p>1 <b>A. I don't know.</b></p> <p>2 Q. Do you have any understanding of what will</p> <p>3 happen with the proceeds of this litigation if Skye</p> <p>4 Ventures prevails and collects on any judgment?</p> <p>5 <b>A. Restate the question, please.</b></p> <p>6 Q. Do you have any idea what would happen with the</p> <p>7 proceeds of this litigation if Sky Ventures were to</p> <p>8 prevail and collect on a judgment?</p> <p>9 <b>A. I have some idea, yes.</b></p> <p>10 Q. What's your idea?</p> <p>11 <b>A. I believe that some of the funds recovered will</b></p> <p>12 <b>go back to Triad, and I guess attorneys and legal fees</b></p> <p>13 <b>need to be paid.</b></p> <p>14 Q. How much of the funds would go back to Gruppo</p> <p>15 Triad?</p> <p>16 <b>A. That is not clear at this point. Somewhere</b></p> <p>17 <b>between 30 and 60 percent.</b></p> <p>18 Q. Why is it not clear?</p> <p>19 <b>A. Because I've seen several documents stating</b></p> <p>20 <b>different things, so...</b></p> <p>21 Q. What type of documents?</p> <p>22 <b>A. Well, there's the 2010, some agreement that</b></p> <p>23 <b>Schianchi signed which is invalid. So I am still</b></p> <p>24 <b>searching for original agreements.</b></p> <p>25 Q. We may be able to show some agreements to you</p>	<p style="text-align: right;">159</p> <p>1 MR. KRENEK: Again, just to interject, to</p> <p>2 the extent that calls for you to talk about any</p> <p>3 conversations you've had with attorneys, including</p> <p>4 myself, don't answer or disclose any attorney-client</p> <p>5 privileges. Otherwise, you may answer.</p> <p>6 <b>A. I have discussed it with Schianchi and other</b></p> <p>7 <b>attorneys.</b></p> <p>8 Q. (By Mr. Schwartz) Other attorneys for Gruppo</p> <p>9 Triad?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Okay. Did you discuss it with Schianchi after</p> <p>12 you had terminated his services starting in 2011?</p> <p>13 <b>A. I don't remember at what point I discussed it</b></p> <p>14 <b>with him.</b></p> <p>15 Q. Have you ever communicated to Skye Ventures or</p> <p>16 its lawyers that Gruppo Triad believes that the January</p> <p>17 2010 agreement is not valid?</p> <p>18 <b>A. I don't remember. And if I did say such a</b></p> <p>19 <b>thing, it was not in a formal manner.</b></p> <p>20 Q. So Mr. Cooper is on the phone here from</p> <p>21 Columbus, Ohio. He represents Skye Ventures. Is this</p> <p>22 the first that any attorney for Skye Ventures has heard</p> <p>23 you formally take the position here under oath today</p> <p>24 that Gruppo Triad does not believe that the January 2010</p> <p>25 agreement is valid?</p>
<p style="text-align: right;">158</p> <p>1 in the course of today and tomorrow and have questions</p> <p>2 for you about them.</p> <p>3 But let me ask you about the 2010</p> <p>4 agreement you're talking about. Is that the one that</p> <p>5 has an effective date of January 1st, 2010?</p> <p>6 <b>A. I don't know if it's January 1st, but it is</b></p> <p>7 <b>January, I believe, yeah.</b></p> <p>8 Q. And you say that's invalid?</p> <p>9 <b>A. Yes, I believe so.</b></p> <p>10 Q. Why is it invalid?</p> <p>11 <b>A. Because it was signed by Schianchi, who doesn't</b></p> <p>12 <b>speak English. The agreement is in English.</b></p> <p>13 Q. Is there any other reason why it's invalid?</p> <p>14 <b>A. Our position on that is that he was under the</b></p> <p>15 <b>impression that he had the right to sign such agreements</b></p> <p>16 <b>at that time.</b></p> <p>17 Q. When you say our position, who are you</p> <p>18 referring to?</p> <p>19 <b>A. Gruppo Triad.</b></p> <p>20 Q. And is it Gruppo Triad's position that</p> <p>21 Schianchi was not authorized to enter into that</p> <p>22 agreement for Gruppo Triad?</p> <p>23 <b>A. That is correct. And -- yeah, that is correct.</b></p> <p>24 Q. Before you told that to me here today, have you</p> <p>25 ever told that to anyone else?</p>	<p style="text-align: right;">160</p> <p>1 <b>A. You're asking me?</b></p> <p>2 Q. I'm asking you.</p> <p>3 <b>A. Oh, I'm sorry. Say the question again.</b></p> <p>4 Q. You have Mr. Cooper here on the phone from</p> <p>5 Columbus, Ohio, right?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. You understand that he represents Skye</p> <p>8 Ventures, correct?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Is he the first principal or lawyer for Skye</p> <p>11 Ventures to learn of Gruppo Triad's formal position that</p> <p>12 it does not believe the January 2010 agreement is valid?</p> <p>13 MR. KRENEK: Objection, form. Calls for</p> <p>14 speculation.</p> <p>15 Q. (By Mr. Schwartz) As far as you know? Have you</p> <p>16 previously communicated that formal position that you're</p> <p>17 now testifying to under oath here today to any</p> <p>18 representative of Skye Ventures?</p> <p>19 <b>A. I don't believe I have, no.</b></p> <p>20 Q. I just want to show you this January -- what I</p> <p>21 believe is the agreement you're testifying to, just so</p> <p>22 we're all on the same page here, and then we'll return</p> <p>23 to Exhibit Number 9.</p> <p>24 Okay. So I'm going to show you now --</p> <p>25 just bear with me one second. So I'm going to have to</p>

189	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF OHIO</p> <p>3 EASTERN DIVISION</p> <p>4 DRFP L.L.C., d/b/a Skye )</p> <p>Ventures, )</p> <p>6 )</p> <p>7 Plaintiff, )</p> <p>8 )</p> <p>9 VS. ) CIVIL ACTION NUMBER:</p> <p>10 ) 2:04-CV-0793</p> <p>11 Republica Bolivariana de )</p> <p>12 Venezuela, et al., )</p> <p>13 )</p> <p>14 Defendants. )</p> <p>15 *****</p> <p>16 ORAL/VIDEO DEPOSITION OF</p> <p>17 LARA PAVANELLI</p> <p>18 VOLUME 2</p> <p>19 JANUARY 8, 2015</p> <p>20 *****</p> <p>21 ORAL DEPOSITION OF LARA PAVANELLI, produced as a</p> <p>22 witness at the instance of the Defendant, was duly</p> <p>23 sworn, was continued in the above-styled and numbered</p> <p>24 cause on the JANUARY 8, 2015, from 9:16 a.m. to</p> <p>25 3:10 p.m., before Chris Carpenter, CSR, in and for the</p> <p>State of Texas, reported by machine shorthand, at the</p> <p>offices of Reeves &amp; Brightwell, LLP, Austin, Travis</p> <p>County, Texas, pursuant to the Federal Rules of Civil</p> <p>Procedure and the provisions stated on the record or</p> <p>attached hereto.</p>
190	<p>1</p> <p>2</p> <p>3 A P P E A R A N C E S</p> <p>4 FOR THE PLAINTIFF:</p> <p>5 Charles "Chip" H. Cooper, Jr. (by telephone)</p> <p>6 Cooper &amp; Elliott</p> <p>7 2175 Riverside Drive</p> <p>8 Columbus, OH 43221</p> <p>9 (614) 481-6000</p> <p>10 chipc@cooperelliott.com</p> <p>11</p> <p>12 FOR THE DEFENDANT(S):</p> <p>13 Andrew Z. Schwartz</p> <p>14 Kevin J. Conroy</p> <p>15 FOLEY &amp; HOAG LLP</p> <p>16 155 Seaport Blvd.</p> <p>17 Boston, MA 02210-2600</p> <p>18 (617) 832-1000</p> <p>19 aschwartz@foleyhoag.com</p> <p>20 FOR THE DEPONENT:</p> <p>21 Eddie Krenek</p> <p>22 KRENEK LAW OFFICES</p> <p>23 423 Mason Park Blvd., Suite C.</p> <p>24 Katy, TX 77450</p> <p>25 (281) 578-7711</p> <p>edkrenek@kreneklaw.com</p> <p>ALSO PRESENT:</p> <p>Debra Austin, Videographer</p>
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<sup>1</sup> 46 April 23, 2004 Crabbe, Brown & James letter 322  
to James Pavanelli

<sup>2</sup>

<sup>3</sup> 47 June 23rd, 2004, Bandagro Notes Purchase 323  
Agreement

<sup>4</sup>

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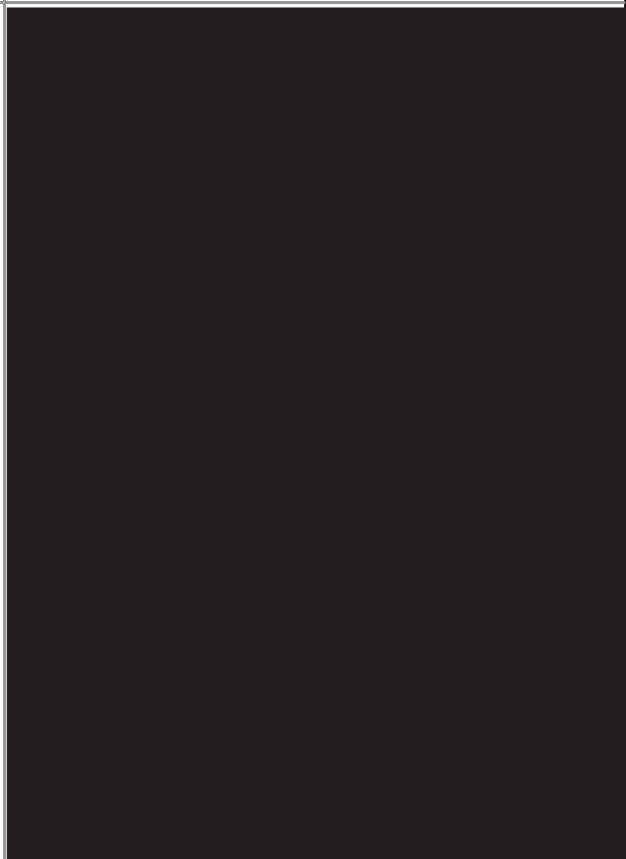
<sup>22</sup>

<sup>23</sup>


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<sup>25</sup>

	<p style="text-align: right;">243</p> <p>1 Mr. Cooper, Page 451. Are you with us?</p> <p>2 MR. COOPER: Yes.</p> <p>3 (Exhibit 19 marked for identification.)</p> <p>4 <b>A. Actually, can you repeat the last question?</b></p> <p>5 <b>You asked me if I had received these documents before</b></p> <p>6 <b>which date?</b></p> <p>7 Q. (By Mr. Schwartz) December 10, 2014.</p> <p>8 <b>A. I have to retract my previous answer. I -- I</b></p> <p>9 <b>think I received them afterwards.</b></p> <p>10 Q. All right. So with regard, just so we're</p> <p>11 clear, to Exhibits 14, 15, 16, 17, 18, are you now</p> <p>12 saying that you received these sometime in the last</p> <p>13 month?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. From whom?</p> <p>16 <b>A. Do I have to answer this question?</b></p> <p>17 MR. KRENEK: Probably so. I'm not sure</p> <p>18 where --</p> <p>19 Q. (By Mr. Schwartz) Yes, you need to answer the</p> <p>20 question.</p> <p>21 <b>A. From my sister.</b></p> <p>22 Q. How is it --</p> <p>23 MR. COOPER: What's the answer?</p> <p>24 MR. SCHWARTZ: From her sister.</p> <p>25 Q. (By Mr. Schwartz) When did you get them from</p>
<p style="text-align: right;">242</p> <p>1 <b>A. It's signed by my father, yes.</b></p> <p>2 Q. And you recognize that as being his formal</p> <p>3 signature, correct?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Okay. And do you see on the same page, 457,</p> <p>6 there's all -- there's a handwritten note to Larry from</p> <p>7 James at the bottom of Page 457?</p> <p>8 <b>A. I see that.</b></p> <p>9 Q. Does that look like your father's handwriting</p> <p>10 to you?</p> <p>11 <b>A. It does.</b></p> <p>12 Q. Other than having found this document in the</p> <p>13 box that you gave to Mr. Krennek, do you have any</p> <p>14 knowledge or information about it?</p> <p>15 <b>A. I do not.</b></p> <p>16 Q. Do you know where you got it?</p> <p>17 <b>A. No, I do not.</b></p> <p>18 Q. Do you know when you got it?</p> <p>19 <b>A. No, I do not.</b></p> <p>20 Q. Is the same also true of Exhibits 17 and 16?</p> <p>21 <b>A. Correct.</b></p> <p>22 Q. Did you receive Exhibits 14, 15, 16, 17 and 18</p> <p>23 before December 10, 2014?</p> <p>24 <b>A. Yes.</b></p> <p>25 MR. SCHWARTZ: Let me mark Exhibit 19.</p>	<p style="text-align: right;">244</p> <p>1 your sister?</p> <p>2 <b>A. I don't know the exact date but sometime -- I</b></p> <p>3 <b>asked her again if she had any documents at all that --</b></p> <p>4 <b>that she could send me and she had a file and that's</b></p> <p>5 <b>what she sent me. So a lot of these documents -- this,</b></p> <p>6 <b>you know, came from this file.</b></p> <p>7 Q. Exhibits 14, 15, 16, 17 and 18?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Did you have that conversation with your sister</p> <p>10 after you received the subpoena?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. How long after you received the subpoena?</p> <p>13 <b>A. I don't remember. Days.</b></p> <p>14 Q. What did you say to her?</p> <p>15 <b>A. That I had to produce documents, and so if she</b></p> <p>16 <b>had anything at all pertaining to this case to please</b></p> <p>17 <b>send them to me.</b></p> <p>18 Q. This was a telephone call?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. At a time when your sister was in Italy?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. What else did you say to her?</p> <p>23 <b>A. That it's.</b></p> <p>24 Q. How long a conversation was this?</p> <p>25 <b>A. Not very long. Our phone conversations are</b></p>

<p style="text-align: right;">245</p> <p>1 never too long.</p> <p>2 Q. As best you recall, other than telling her that</p> <p>3 you had to produce documents and asking her whether she</p> <p>4 had any, what did you tell her?</p> <p>5 A. That's it.</p> <p>6 Q. What did she say to you?</p> <p>7 A. She said that there was a file that was left in</p> <p>8 her house from years back, and you know, she doesn't</p> <p>9 understand the documents and so she doesn't know if</p> <p>10 they're relevant or not. So I said, well, just send</p> <p>11 them to me anyway.</p> <p>12 Q. What was the size of the file that she sent to</p> <p>13 you?</p> <p>14 A. Very small.</p> <p>15 Q. Other than Exhibits 14, 16 -- 14, 15, 16, 17</p> <p>16 and 18, do you recall what documents were in the file</p> <p>17 that your sister had?</p> <p>18 A. I don't, but everything that she did send me, I</p> <p>19 sent to my attorney.</p> <p>20 Q. To Mr. Krenek?</p> <p>21 A. Yes.</p> <p>22 Q. Did she explain to where she got the file?</p> <p>23 A. No.</p> <p>24 Q. Did she indicate to you that it was a file of</p> <p>25 your father's business papers?</p>	<p style="text-align: right;">247</p> <p>1 Q. Well, if you didn't get it from her, how did</p> <p>2 you get a copy of Exhibit 19?</p> <p>3 A. Like I said, I don't know. I just took the</p> <p>4 documents that I had in a box, and I gave it to</p> <p>5 Mr. Krenek. So I did not have the time to go</p> <p>6 individually review each document. I don't believe that</p> <p>7 any of these, when I first read them, when I first</p> <p>8 received them, I didn't think they were relevant at all,</p> <p>9 but I produced them anyway, because it's something that</p> <p>10 I had in my possession.</p> <p>11 Q. There's a reference in Exhibit 19 to a</p> <p>12 Dr. Guzman, actually several references to a Dr. Guzman.</p> <p>13 Have you ever heard of a Dr. Guzman?</p> <p>14 A. No.</p> <p>15 Q. Have you ever heard of anyone named Guzman</p> <p>16 that's had anything to do with this case or the Bandagro</p> <p>17 promissory notes?</p> <p>18 A. No, I have not.</p> <p>19 MR. SCHWARTZ: All right. Let's mark</p> <p>20 Exhibit 20.</p> <p>21 (Exhibit 20 marked for identification.)</p> <p>22 Q. (By Mr. Schwartz) Ms. Pavanelli, I'm showing</p> <p>23 you Exhibit 20. This is another document that</p> <p>24 Mr. Krenek produced on your behalf pursuant to the</p> <p>25 subpoena in this case.</p>
<p style="text-align: right;">246</p> <p>1 A. Say that again.</p> <p>2 Q. Did she indicate to you that it was a file of</p> <p>3 your father's business papers?</p> <p>4 A. No, she just said it was some papers from --</p> <p>5 from dad, that's it.</p> <p>6 Q. Some papers from your dad?</p> <p>7 A. That's correct.</p> <p>8 Q. Other than what she sent you, do you have any</p> <p>9 idea whether she has any additional papers from your</p> <p>10 dad?</p> <p>11 A. She -- as far as I know she does not.</p> <p>12 Q. When did you receive the documents from her?</p> <p>13 A. Sometime after the subpoena.</p> <p>14 Q. All right. Now let me show you Exhibit 19.</p> <p>15 MR. SCHWARTZ: Mr. Cooper, I -- if I</p> <p>16 hadn't said so already, this is page 000451.</p> <p>17 MR. COOPER: Yeah, you said something,</p> <p>18 Yeah.</p> <p>19 Q. (By Mr. Schwartz) So this is another document</p> <p>20 that Mr. Krenek has produced on your behalf pursuant to</p> <p>21 the subpoena, and it's an e-mail from Lawrence Corna to</p> <p>22 your father from 2003. And let me ask you this: Is</p> <p>23 this one of the documents that your sister made</p> <p>24 available to you as well?</p> <p>25 A. Possibly, I don't know.</p>	

<p style="text-align: right;">285</p> <p>1 there's a paragraph missing --</p> <p>2 Q. All right.</p> <p>3 A. -- on Exhibit 36. So did he change it at the</p> <p>4 time of signature, or did he alter the document after</p> <p>5 the -- after it was signed? I don't know. But that is</p> <p>6 not the copy that I have.</p> <p>7 Q. I think you have made that clear.</p> <p>8 At the same time, if you look at the</p> <p>9 Exhibit 36, the Italian version, and in particular,</p> <p>10 Bates stamp pages 5860, 5861, and 5862, each one of</p> <p>11 those pages has your signature on it, correct?</p> <p>12 A. But it's also a copy. This is not an original.</p> <p>13 Q. Okay. But let's just --</p> <p>14 A. Did Skye receive an original? How was this</p> <p>15 transmitted to them?</p> <p>16 Q. You're asking the wrong person. But all I'm</p> <p>17 asking you is to confirm whether it's an original or a</p> <p>18 copy or something else, your signature appears on Pages</p> <p>19 5860, 61, and 62, correct?</p> <p>20 MR. KRENEK: Okay. Hold on a second.</p> <p>21 A. I can't --</p> <p>22 MR. KRENEK: Hold on. Stop. I want to</p> <p>23 object, because if you mean signature, she needs to see</p> <p>24 the original to see it now that she calls it into</p> <p>25 question. So there is no way she answer that question</p>	<p style="text-align: right;">287</p> <p>1 "Calculation of the shares held by each</p> <p>2 shareholder." And then the document -- I'm reading the</p> <p>3 English version now on Page 5860. The text recites,</p> <p>4 "Attorney Schianchi explains that because the criminal</p> <p>5 authorities have seized all documentation in the context</p> <p>6 of the proceedings against him and Pavanelli, he is not</p> <p>7 able to calculate the share quota held by each</p> <p>8 shareholder." Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. And then it goes on to say that, "The</p> <p>11 shareholders are not able to prove the amount of their</p> <p>12 shareholding." Do you see that?</p> <p>13 A. Correct.</p> <p>14 Q. Do you recall, at this March 16th, 2010</p> <p>15 extraordinary general shareholders meeting, that there</p> <p>16 was discussion concerning that subject?</p> <p>17 A. Yes.</p> <p>18 Q. What do you recall of that discussion?</p> <p>19 A. He was asking people to show their original</p> <p>20 shares.</p> <p>21 Q. Incidentally, what language was this meeting</p> <p>22 conducted in?</p> <p>23 A. It was conducted in Italian, I believe.</p> <p>24 Q. And when the minutes that have been marked as</p> <p>25 Exhibit 36 on Page 5860 recite that the shareholders are</p>
<p style="text-align: right;">286</p> <p>1 on its face unless she sees the original on it.</p> <p>2 MR. SCHWARTZ: I don't think that's true.</p> <p>3 MR. KRENEK: Absolutely. Because now we</p> <p>4 call into question the entire document.</p> <p>5 MR. SCHWARTZ: So you can object.</p> <p>6 MR. KRENEK: Okay.</p> <p>7 MS. SCHWARTZ: Say objection. Your rights</p> <p>8 are reserved.</p> <p>9 MR. KRENEK: Okay. Objection to the form,</p> <p>10 misleading.</p> <p>11 MR. SCHWARTZ: Okay. Your objection is</p> <p>12 reserved.</p> <p>13 Q. (By Mr. Schwartz) On Pages 5860, 61, and 62,</p> <p>14 that's your signature, correct?</p> <p>15 A. I don't know if it's my signature. This is not</p> <p>16 an original.</p> <p>17 Q. Whether it's an original or a copy, that looks</p> <p>18 your signature on --</p> <p>19 A. It looks like my signature, but I don't know if</p> <p>20 it was put on this document before or after. I -- I</p> <p>21 don't know.</p> <p>22 Q. All right. Fair enough.</p> <p>23 And now I'm going to ask you some</p> <p>24 questions about Exhibit 36. Take a look at the first</p> <p>25 page of the document. There is a paragraph entitled</p>	<p style="text-align: right;">288</p> <p>1 not able to prove the amount of their shareholding --</p> <p>2 MR. COOPER: I'm sorry. I don't have your</p> <p>3 English translation. What did you say the translation</p> <p>4 was?</p> <p>5 MR. SCHWARTZ: Quote, "The shareholders</p> <p>6 are not able to prove the amount of their shareholding,"</p> <p>7 end quote.</p> <p>8 MR. COOPER: Okay.</p> <p>9 MS. SCHWARTZ: So let me -- let me reframe</p> <p>10 the question.</p> <p>11 Q. (By Mr. Schwartz) At this meeting, did all the</p> <p>12 shareholders say that they were unable to prove the</p> <p>13 amount of their shareholding?</p> <p>14 A. No.</p> <p>15 Q. Did any shareholder say that he or she was able</p> <p>16 to prove the amount of his or her shareholding?</p> <p>17 A. Yes.</p> <p>18 Q. Which one?</p> <p>19 A. Sabina Fortin.</p> <p>20 Q. Did any other shareholder indicate that he or</p> <p>21 she was able to prove the amount of his or her</p> <p>22 shareholding?</p> <p>23 A. No.</p> <p>24 Q. Did all the others say that they would not be</p> <p>25 able to do so?</p>

<p style="text-align: right;">293</p> <p>1 Q. Did you speak to Mr. Rogina before that</p> <p>2 hearing?</p> <p>3 A. Yes.</p> <p>4 Q. Did you also speak with him after?</p> <p>5 A. Yes.</p> <p>6 Q. What did you --</p> <p>7 MR. COOPER: The answer was?</p> <p>8 MR. SCHWARTZ: "Yes."</p> <p>9 Q. (By Mr. Schwartz) What did you discuss with him</p> <p>10 before the hearing?</p> <p>11 A. What needed to happen.</p> <p>12 Q. What needed to happen?</p> <p>13 A. We needed to have a representative go and</p> <p>14 present themselves to the prosecutor so we can also</p> <p>15 obtain more information.</p> <p>16 Q. What did you understand the hearing would</p> <p>17 concern?</p> <p>18 A. I actually don't know. There has been an</p> <p>19 investigation, I believe. I don't know. I don't</p> <p>20 understand it. The Swiss law is quite different from</p> <p>21 ours and so. And the information that I have received</p> <p>22 up until then has been very confusing, to say the least.</p> <p>23 Q. Do you recall any other aspect of your</p> <p>24 discussion with Rogina before the hearing took place?</p> <p>25 A. We discussed the hiring of this attorney.</p>	<p style="text-align: right;">295</p> <p>1 A. I said that we need to somehow find a way to</p> <p>2 legally recover those documents from Schianchi. I don't</p> <p>3 know that I said "legally," but...</p> <p>4 Q. Have you completed your answer?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall anything else that you discussed</p> <p>7 with Rogina after the hearing in Switzerland?</p> <p>8 A. No.</p> <p>9 Q. Have any efforts been made to recover these</p> <p>10 documents from Schianchi after you got this report from</p> <p>11 Rogina?</p> <p>12 A. Yes. We have asked him repeatedly, and he</p> <p>13 continues to affirm that he doesn't have any documents.</p> <p>14 Q. When was the hearing in Switzerland?</p> <p>15 A. I don't know the exact date.</p> <p>16 Q. Roughly?</p> <p>17 A. A couple of months ago.</p> <p>18 MR. COOPER: I'm sorry. What was the</p> <p>19 answer?</p> <p>20 MR. SCHWARTZ: "A couple of months ago."</p> <p>21 MR. COOPER: Thank you.</p> <p>22 MS. SCHWARTZ: Let's mark Exhibit 38.</p> <p>23 We've got a few minutes left on the tape. We'll take a</p> <p>24 lunch break after this exhibit.</p> <p>25 (Exhibit 38 marked for identification.)</p>
<p style="text-align: right;">294</p> <p>1 Q. Serra?</p> <p>2 A. Uh-huh, yeah.</p> <p>3 Q. You may have testified to this yesterday.</p> <p>4 Where does Rogina live?</p> <p>5 A. Torino.</p> <p>6 Q. Do you recall any other aspect of the</p> <p>7 conversation you had with him before the hearing?</p> <p>8 A. Before the hearing? No.</p> <p>9 Q. Besides the two of you, did anybody else</p> <p>10 participate in that conversation?</p> <p>11 A. Not that I know of.</p> <p>12 Q. How long did the conversation last?</p> <p>13 A. I don't remember.</p> <p>14 Q. More than five minutes?</p> <p>15 A. I doubt it.</p> <p>16 Q. After the hearing, did -- strike that.</p> <p>17 When you spoke with Rogina after the</p> <p>18 hearing, what did he tell you?</p> <p>19 A. He said that Schianchi was surprised to see</p> <p>20 them at the hearing, and that they had a conversation</p> <p>21 with the prosecutor who told them that the documents</p> <p>22 were returned to Schianchi.</p> <p>23 Q. What else did Rogina report?</p> <p>24 A. That's it.</p> <p>25 Q. What did you say to him?</p>	

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347	<p>1</p> <p>2</p> <p>3 APPEARANCES</p> <p>4 FOR THE PLAINTIFF:</p> <p>5 Charles "Chip" H. Cooper, Jr. (by telephone)</p> <p>Adam Richards (by telephone)</p> <p>6 Cooper &amp; Elliott</p> <p>2175 Riverside Drive</p> <p>7 Columbus, OH 43221</p> <p>(614) 481-6000</p> <p>8 chipc@cooperelliott.com</p> <p>9</p> <p>10 FOR THE DEFENDANT(S):</p> <p>Andrew Z. Schwartz</p> <p>11 Kevin J. Conroy</p> <p>FOLEY &amp; HOAG LLP</p> <p>12 155 Seaport Blvd.</p> <p>Boston, MA 02210-2600</p> <p>13 (617) 832-1000</p> <p>aschwartz@foleyhoag.com</p> <p>14</p> <p>15 FOR THE DEPONENT:</p> <p>Eddie Krenek</p> <p>16 KRENEK LAW OFFICES</p> <p>423 Mason Park Blvd., Suite C.</p> <p>17 Katy, TX 77450</p> <p>(281) 578-7711</p> <p>18 edkrenek@kreneklawn.com</p> <p>19</p> <p>20 ALSO PRESENT:</p> <p>Brent Kirby, Videographer</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	349	<p>1 62 Draft Memorandum, LP000920 Thru LP000924 386</p> <p>2 63 E-Mail, Dec. 30, 2003, LP000941 388</p> <p>3 64 E-Mail, Dec. 31, 2003, LP000936 thru 389</p> <p>LP000937</p> <p>4</p> <p>5 65 E-Mail, 2004, LP000938 thru LP000940 389</p> <p>6 66 E-Mail, 2004, LP000854 thru LP000855 390</p> <p>7 67 Handwritten Letter, Jan. 8, 2004, LP000870 391</p> <p>8 68 Document, LP000901 thru LP000902 392</p> <p>9 69 E-Mail, 2004, LP000871 393</p> <p>10 70 E-Mail, 2004, LP000872 394</p> <p>11 71 Option Purchase Agreement, LP000877 thru 395</p> <p>12 LP000880</p> <p>13 72 Option Purchase Agreement, LP000881 thru 395</p> <p>LP000884</p> <p>14 73 Crabbe, Brown &amp; James Letter, LP000873 thru 396</p> <p>15 LP000876</p> <p>16 74 Asset Protection Agreement, LP000859 thru 397</p> <p>LP000861</p> <p>17 75 Addendum to Close, LP000962 thru LP000863 399</p> <p>18 76 E-Mail, May 26, 2004, LP000957 thru 400</p> <p>19 LP000858</p> <p>20 77 Escrow Agreement, LP000942 thru LP000944 401</p> <p>21 78 Fax Cover Letter and Escrow Agreement, 402</p> <p>LP000953 thru LP000956</p> <p>22 79 Bandagro Notes Purchase Agreement, LP000945 402</p> <p>23 thru LP000948</p> <p>24 80 Non Recourse Promissory Note, LP000949 thru 403</p> <p>LP000952</p> <p>25 81 Corna Letter, LP000925 thru LP000929 404</p> <p>82 Fax Cover Letter, LP000930 405</p>

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<sup>1</sup> 83 Document, LP000934 405  
<sup>2</sup> 84 Antonio Letter, LP000904 406  
<sup>3</sup> 85 List of Names and Figures, LP000899 407  
<sup>4</sup> 86 Western Union Ledger, LP000900 409  
<sup>5</sup> 87 Accounting Document, LP000903 410  
<sup>6</sup> 88 Western Union Documents, LP000885 thru 412  
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<sup>7</sup>  
<sup>8</sup> 89 E-Mail Chain Ending, Dec. 19, 2014, 416  
LP000827 thru LP000829  
<sup>9</sup> 90 E-Mail Chain Ending, Dec. 25, 2014, 429  
LP000830 thru LP000831  
<sup>10</sup>  
<sup>11</sup> 91 E-Mail Chain Ending 1/2/2015, LP000832 430  
<sup>12</sup> 92 E-Mail Chain Ending Jan. 8, 2015, LP000833 431  
<sup>13</sup> 93 E-Mail Chain Ending 10/12/2014, LP000834 433  
<sup>14</sup> 94 E-Mail Chain Ending Sept. 21, 2014, 435  
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<sup>15</sup> 95 E-Mail, 9/17/2014, LP000837 438  
<sup>16</sup> 96 E-Mail Chain, 3/1/2014, LP000838 439  
<sup>17</sup> 97 E-Mail Chain Ending Feb. 18, 2014, LP000839 444  
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<sup>18</sup>  
<sup>19</sup> 98 E-Mail Chain Ending 1/7/2014, LP000842 446  
<sup>20</sup> 99 E-Mail Chain Ending 10/14/2014, LP000845 446  
<sup>21</sup> 100 E-Mail Chain Ending Sept. 19, 2014, 448  
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<sup>22</sup>  
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<sup>24</sup>  
<sup>25</sup>

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<sup>1</sup> 101 E-Mail Chain Ending Jan. 12, 2015, LP000843 449  
thru LP000844  
<sup>2</sup>  
<sup>3</sup> 102 6 Pages of Color Photos 456  
<sup>4</sup> 103 Privilege Log 465  
<sup>5</sup>  
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<sup>1</sup> 914 to 15.

<sup>2</sup> MR. COOPER: Okay.

<sup>3</sup> MR. SCHWARTZ: Now I'm going to mark page  
<sup>4</sup> 919, which will be Exhibit 56.

<sup>5</sup> (Exhibit 56 marked for identification.)

<sup>6</sup> MR. SCHWARTZ: And let me know if I'm  
<sup>7</sup> going too fast at any point, Mr. Cooper. I'm trying to  
<sup>8</sup> go fast, but I don't want to go too fast.

<sup>9</sup> Q. (By Mr. Schwartz) Ms. Pavanelli, I'm showing  
<sup>10</sup> you Exhibit 56. It's another one of the documents that  
<sup>11</sup> Mr. Krenek produced on your behalf the night before last  
<sup>12</sup> in response to the subpoena that was served on you  
<sup>13</sup> personally. Do you recognize Exhibit 56 as being one of  
<sup>14</sup> the documents that you gathered in response to the  
<sup>15</sup> subpoena in the case?

<sup>16</sup> **A. I believe so, yes.**

<sup>17</sup> Q. And looking at the signature that appears on  
<sup>18</sup> Exhibit 56, under the name James P. Pavanelli, do you  
<sup>19</sup> recognize that as your father's signature?

<sup>20</sup> **A. It appears -- certainly looks like his**  
<sup>21</sup> **signature.**


<sup>22</sup> MR. SCHWARTZ: We'll move to Exhibit 57.  
<sup>23</sup> Mr. Cooper, this is page -932.

<sup>24</sup> (Exhibit 57 marked for identification.)

<sup>25</sup> Q. (By Mr. Schwartz) Ms. Pavanelli, I'm showing

<p style="text-align: right;">374</p> <p>1 you Exhibit 57. It's another document that Mr. Krenek  2 produced on your behalf the night before last in  3 response to the subpoena that was served upon you  4 personally. Do you recognize Exhibit 57 as another  5 document that you found in your house or among your  6 belongings as you gathered materials to produce in  7 response to the subpoena?</p> <p>8 <b>A. I believe so.</b></p> <p>9 MR. SCHWARTZ: We'll mark Exhibit 58.  10 Mr. Cooper, it's page -931.  11 (Exhibit 58 marked for identification.)</p> <p>12 Q. (By Mr. Schwartz) Ms. Pavanelli, I'm showing  13 you what's been marked as Exhibit 58. This is another  14 of the documents that Mr. Krenek produced the night  15 before last on your behalf in response to the subpoena  16 that was served on you personally. Do you recognize  17 Exhibit 58 as being one of the documents that you found  18 as you searched through your house and belongings for  19 materials that were responsive to the subpoena?</p> <p>20 <b>A. I believe so.</b></p> <p>21 Q. Just looking at Exhibits 57 and 58, as  22 examples, how is it that you had possession of these  23 documents as of December of 2014 or January of 2015?</p> <p>24 <b>A. I'm not entirely sure. I believe they were</b>  25 <b>recovered from the -- the house fire.</b></p>	<p style="text-align: right;">376</p> <p>1 there were materials that were put in a storage  2 facility?</p> <p>3 <b>A. Well, they told us.</b></p> <p>4 Q. Did they tell you personally?</p> <p>5 <b>A. Me, no, they told my sister.</b></p> <p>6 Q. And your sister told you?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Did you have any dealings directly with any of  9 the local police concerning the fire or any of the --</p> <p>10 <b>A. I did not.</b></p> <p>11 Q. -- materials --</p> <p>12 <b>A. Never.</b></p> <p>13 Q. Let me just finish the question. Any of the  14 materials that might have been recovered from the fire?</p> <p>15 <b>A. I did not.</b></p> <p>16 Q. All of those communications took place between  17 your sister and the local police as far as you know?</p> <p>18 <b>A. Right.</b></p> <p>19 Q. And whatever you learned, you learned from your  20 sister?</p> <p>21 <b>A. Correct.</b></p> <p>22 Q. Did you -- on how many occasions did you access  23 the storage facilities?</p> <p>24 <b>A. Just once, one day.</b></p> <p>25 Q. Where was it?</p>
<p style="text-align: right;">375</p> <p>1 Q. Who recovered documents from the house fire?</p> <p>2 <b>A. My sister.</b></p> <p>3 Q. How long after the fire occurred did she do  4 that?</p> <p>5 <b>A. They were given to us.</b></p> <p>6 Q. By whom?</p> <p>7 <b>A. The authorities.</b></p> <p>8 Q. Which authorities?</p> <p>9 <b>A. The local police.</b></p> <p>10 Q. When did the local police give you documents  11 that had been recovered from the house fire?</p> <p>12 <b>A. They didn't give us documents. They gave us a</b>  13 <b>key to a storage facility where they put all of the</b>  14 <b>belongings that had been recovered from the fire. And</b>  15 <b>we had to go there and sort it out.</b></p> <p>16 Q. When did that happen?</p> <p>17 <b>A. Soon after his death.</b></p> <p>18 MR. COOPER: I'm sorry. I didn't hear the  19 answer.</p> <p>20 MR. SCHWARTZ: "Soon after his death."</p> <p>21 MR. COOPER: Thank you.</p> <p>22 Q. (By Mr. Schwartz) How soon after his death?</p> <p>23 <b>A. I believe I was there either ten days after or</b>  24 <b>two weeks after. I don't remember the exact dates.</b></p> <p>25 Q. How did you learn from the local police that</p>	<p style="text-align: right;">377</p> <p>1 <b>A. In Switzerland.</b></p> <p>2 Q. Where?</p> <p>3 <b>A. I -- I don't remember. I think in Lausanne.</b></p> <p>4 Q. How do you spell that?</p> <p>5 <b>A. L-A-U-S-A-N-N-E.</b></p> <p>6 Q. How far was that from the house that was burnt  7 down?</p> <p>8 <b>A. Maybe -- I don't know. Honestly, I don't know.</b>  9 <b>Half an hour, maybe, the drive. I don't know.</b></p> <p>10 Q. Was this a police storage facility?</p> <p>11 <b>A. It's -- I don't think it belongs to them, but I</b>  12 <b>think they contracted them to -- we had to pay for it.</b></p> <p>13 Q. You had to pay for the storage?</p> <p>14 <b>A. Uh-huh. Yes, we did.</b></p> <p>15 Q. How much?</p> <p>16 <b>A. I don't remember. It's all a blur.</b></p> <p>17 Q. Who made the payment?</p> <p>18 <b>A. My sister.</b></p> <p>19 Q. For how long were the materials in storage?</p> <p>20 <b>A. From the time of his death to the time that we</b>  21 <b>went there and emptied out the storage, so maybe three</b>  22 <b>weeks, a month, tops. I don't remember. Again, I don't</b>  23 <b>remember the exact dates.</b></p> <p>24 Q. How much time did you spend with the storage  25 facility the one day you visited it?</p>

<p style="text-align: right;">378</p> <p>1 <b>A. One day.</b></p> <p>2 Q. Full day?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. How many hours?</p> <p>5 <b>A. I -- I don't know. Maybe five or six hours. I</b></p> <p>6 <b>don't know. I don't recall exactly.</b></p> <p>7 Q. What did you find in the storage facility?</p> <p>8 <b>A. Clothing, you know, seasonal clothing. So it</b></p> <p>9 <b>was wintertime, so there were a lot of summer clothing</b></p> <p>10 <b>and personal effects of my father.</b></p> <p>11 Q. What do you mean by personal effects?</p> <p>12 <b>A. You know, sunglasses, things -- things of that</b></p> <p>13 <b>nature.</b></p> <p>14 Q. Were there any computers?</p> <p>15 <b>A. No.</b></p> <p>16 MR. COOPER: I'm sorry. I didn't hear the</p> <p>17 answer.</p> <p>18 MR. SCHWARTZ: No.</p> <p>19 MR. COOPER: Thank you.</p> <p>20 Q. (By Mr. Schwartz) Were there any other</p> <p>21 electronic devices on which any type of data could be</p> <p>22 stored?</p> <p>23 <b>A. No. There were just some files with these</b></p> <p>24 <b>documents. That's it.</b></p> <p>25 Q. How many files were there?</p>	<p style="text-align: right;">380</p> <p>1 <b>A. No.</b></p> <p>2 Q. What happened to them?</p> <p>3 <b>A. We stored them in -- we stored them in a safe</b></p> <p>4 <b>deposit box in Switzerland.</b></p> <p>5 Q. Where?</p> <p>6 <b>A. In Lausanne. Actually, I don't even know, to</b></p> <p>7 <b>be quite honest. My sister did it, so I don't know.</b></p> <p>8 Q. In a bank?</p> <p>9 <b>A. I believe so. I'm not sure.</b></p> <p>10 Q. Are those documents or files still in the safe</p> <p>11 deposit box?</p> <p>12 <b>A. No, they're not.</b></p> <p>13 Q. When were the contents of the safe deposit box</p> <p>14 emptied?</p> <p>15 <b>A. A short while ago when I asked my sister to go</b></p> <p>16 <b>and get them.</b></p> <p>17 Q. This was after you were served with the</p> <p>18 subpoena in this case?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. When did your sister access the safe deposit</p> <p>21 box?</p> <p>22 <b>A. I have no idea.</b></p> <p>23 Q. Was it in December 2014?</p> <p>24 <b>A. I don't know.</b></p> <p>25 Q. When did she provide -- well, let me back up.</p>
<p style="text-align: right;">379</p> <p>1 <b>A. I don't remember. I don't recall.</b></p> <p>2 Q. If you had to estimate in terms of inches or</p> <p>3 feet of files, if you just stacked them up on this</p> <p>4 table, how -- how high would they be?</p> <p>5 <b>A. Maybe 2 inches high. I don't know. Honestly,</b></p> <p>6 <b>I don't really recall. I mean, we had to do all this in</b></p> <p>7 <b>a hurry, because we didn't want to pay extra time for</b></p> <p>8 <b>the -- for the storage. And a lot of the things had to</b></p> <p>9 <b>be thrown away in the trash anyway, because they were</b></p> <p>10 <b>partially burnt and wet. So the amount of time that</b></p> <p>11 <b>they had been sitting in storage created mold, and you</b></p> <p>12 <b>know, not very hygienic, obviously, so.</b></p> <p>13 Q. Were there any paper files that were either</p> <p>14 burnt or wet that you discarded?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Did you keep all of the paper files that you</p> <p>17 found there, whether they were burnt, wet or charred or</p> <p>18 otherwise damaged in whole or in part?</p> <p>19 <b>A. Yes.</b></p> <p>20 MR. COOPER: I'm sorry. I didn't hear the</p> <p>21 answer.</p> <p>22 MR. SCHWARTZ: "Yes."</p> <p>23 MR. COOPER: Thank you.</p> <p>24 Q. (By Mr. Schwartz) Did you take those files with</p> <p>25 you?</p>	<p style="text-align: right;">381</p> <p>1 At some point, did she provide to you the</p> <p>2 contents of the safe deposit box?</p> <p>3 <b>A. She did, yes.</b></p> <p>4 Q. When?</p> <p>5 <b>A. After the subpoena. Sometime after. I'm not</b></p> <p>6 <b>sure exactly what date.</b></p> <p>7 Q. And the materials that were in this safe</p> <p>8 deposit box, is this the same file of materials that you</p> <p>9 testified a couple of weeks ago that your sister made</p> <p>10 available to you at your request?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Did she provide all those materials to you at</p> <p>13 one point in time?</p> <p>14 <b>A. At one point in time? What do you mean by</b></p> <p>15 <b>that?</b></p> <p>16 Q. Did your sister send you the files --</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. -- that had been in the safe deposit box all at</p> <p>19 once?</p> <p>20 <b>A. I asked her to send me all the documents that</b></p> <p>21 <b>were pertaining to the case and anything that was dated</b></p> <p>22 <b>from 2003 to 2010, yes.</b></p> <p>23 Q. And did she provide that all at once?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. As opposed to installments?</p>

<p style="text-align: right;">382</p> <p>1     <b>A. Yes.</b></p> <p>2     Q. Do you know if there are any documents that</p> <p>3     were in the safe deposit box that she still has and she</p> <p>4     hasn't yet sent to you?</p> <p>5     <b>A. Probably. I don't know for sure, but they're</b></p> <p>6     <b>not relevant to the case if there are any.</b></p> <p>7     Q. How do you know that?</p> <p>8     <b>A. Because she told me so.</b></p> <p>9     Q. What did she tell you?</p> <p>10    <b>A. That everything from 2003 to 2010 and anything</b></p> <p>11    <b>that is or was a communication relevant to this case,</b></p> <p>12    <b>she sent.</b></p> <p>13    Q. How would she know what was relevant to the</p> <p>14    case?</p> <p>15    <b>A. I think she just looked at the dates, to be</b></p> <p>16    <b>quite honest. She really doesn't know anything about</b></p> <p>17    <b>the case.</b></p> <p>18    Q. Just to get a sense of the scope of the</p> <p>19    contents of the safe deposit box that your sister did</p> <p>20    make available to you, do you believe that all of the</p> <p>21    exhibits that I've shown you so far today, Exhibits 48</p> <p>22    through 58, came from that safe deposit box?</p> <p>23    <b>A. I believe so.</b></p> <p>24    Q. If you asked your sister to send you the</p> <p>25    remaining contents of the safe deposit box, including</p>	<p style="text-align: right;">384</p> <p>1     <b>A. It looks like it.</b></p> <p>2     MR. SCHWARTZ: All right. We're moved to</p> <p>3     Exhibit 60. Mr. Cooper, this is page 5 -- I'm sorry --</p> <p>4     857 through -866.</p> <p>5     (Exhibit 60 marked for identification.)</p> <p>6     Q. (By Mr. Schwartz) Ms. Pavanelli, I'm showing</p> <p>7     you Exhibit 60. This is another of the documents that</p> <p>8     was produced by Mr. Krenek the night before last in</p> <p>9     response to the subpoena that was served on you</p> <p>10    personally in this case. Do you recognize this document</p> <p>11    as being one that you found in your house or among your</p> <p>12    belongings as you were gathering materials to produce in</p> <p>13    this case?</p> <p>14    <b>A. I believe so.</b></p> <p>15    Q. Let me ask you this question: So before we</p> <p>16    commenced your deposition on January 7th, Mr. Krenek</p> <p>17    produced a certain collection of documents on your</p> <p>18    behalf in response to the subpoena, right?</p> <p>19    <b>A. Correct.</b></p> <p>20    Q. And now just two days ago, he produced a second</p> <p>21    batch of documents on your behalf in response to the</p> <p>22    subpoena. Do you understand that as well?</p> <p>23    <b>A. I do.</b></p> <p>24    Q. Why is it that the materials, to that extent,</p> <p>25    came in two separate batches so far apart in time?</p>
<p style="text-align: right;">383</p> <p>1     any documents that predated 2003, is it your expectation</p> <p>2     that she would comply with that request?</p> <p>3     <b>A. Yes.</b></p> <p>4     MR. SCHWARTZ: Well, let's move on to</p> <p>5     Exhibit 59. Mr. Cooper, page -867.</p> <p>6     (Exhibit 59 marked for identification.)</p> <p>7     Q. (By Mr. Schwartz) Ms. Pavanelli, I'm showing</p> <p>8     you Exhibit 59. This is another one of the documents</p> <p>9     that Mr. Krenek produced the night before last on your</p> <p>10    behalf in response for the subpoena that was served on</p> <p>11    you in this case. Do you recognize this as being</p> <p>12    another one of the documents that you found in your</p> <p>13    house or among your belongings when you were gathering</p> <p>14    materials to produce?</p> <p>15    <b>A. I believe so, yes.</b></p> <p>16    Q. And let me direct your attention to the second</p> <p>17    full paragraph that starts out in the left-hand margin,</p> <p>18    it starts with the words, "In this way, Schianchi will</p> <p>19    keep his \$3,000." Do you see that?</p> <p>20    <b>A. I do.</b></p> <p>21    Q. Do you recognize the handwriting in that</p> <p>22    paragraph as that of your father?</p> <p>23    <b>A. It looks like it.</b></p> <p>24    Q. And do you also recognize the signature of</p> <p>25    James as being that of your father?</p>	

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1 A. Yes.

2 Q. It looks like the first e-mail is from

3 Mr. Bon --

4 A. Yes.

5 Q. -- to you; is that right?

6 A. Yes.

7 Q. What is he saying?

8 A. He says, "Hello, Lara. You have not responded  
9 to my e-mail." And then he -- that I have not been able  
10 to open that you sent me. It actually makes -- the  
11 sentence makes no sentence, but whatever.

12 Q. What did you say in response?

13 A. I said that I sent him an e-mail, which I  
14 resent to him a few minutes ago, and I said nothing has  
15 changed since November.

16 Q. When you said nothing had changed since  
17 November, this is something you said in January of 2014,  
18 what were you talking about?

19 A. Well, he makes periodic inquiries about what is  
20 going on, so, generally, I -- I -- you know, in the last  
21 few years, I've -- haven't had anything to report, so.

22 Q. His inquiries concern what is going on, on what  
23 front?

24 A. Switzerland with Schianchi, and so forth and so  
25 forth.

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1 Q. What's your understanding now today as to  
2 what's going on in Switzerland? And by the way, I don't  
3 want you to be sharing with me any legal advice that you  
4 received from Mr. Serra, at least not at this point in  
5 time, reserving my right at some point to take the  
6 position that you might need to disclose that. But for  
7 purposes of today's questions, I'm just asking what's  
8 your understanding of the state of affairs in  
9 Switzerland.

10 A. I understand that one lawsuit has been placed  
11 on hold. And that is the -- I believe the criminal case  
12 that is in Mendrisio. And I believe there's another  
13 civil case which also is on hold. I don't know why  
14 they're on hold. I don't know what they're waiting for.  
15 I don't have any details. I don't have any documents  
16 pertaining to any of it. So I'm kind of in the dark.

17 Q. Who is the criminal case against?

18 A. Schianchi says that it's against him and  
19 against -- it was against my father, but obviously, he's  
20 no longer alive, so it can't be against him anymore.

21 Q. Is there anyone other than Schianchi who's  
22 currently the subject of that criminal case, as far as  
23 you know?

24 A. Well, Gruppo Triad probably. I don't know if  
25 criminal charges can be brought upon a company. I don't

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1 **know. I'm not a lawyer.**

2 Q. What's your understanding of the civil case?

3 **A. It's a dispute with -- with another company.**

4 Q. Which other company?

5 **A. I believe it's called Wood Stripe.**

6 Q. Does this concern Wood Stripe's contention that  
7 it's entitled to 25 percent of Gruppo Triad's purported  
8 Bandagro promissory notes?

9 **A. I believe so.**

10 Q. As far you're aware, that's also on hold?

11 **A. I don't know why, from my understanding, every**  
12 **motion has been -- I don't know what the correct**  
13 **terminology is. Quashed. Squashed. I don't know.**  
14 **Refuted. I don't know what legal terminology you guys**  
15 **use.**

16 Q. Fair enough.

17 **A. Denied, I guess.**

18 Q. The matter -- the matter is in some holding  
19 pattern as far as you're aware?

20 **A. As far as I'm aware of, yes.**

21 Q. And without getting at the moment into any  
22 discussions you've had with Mr. Serra, he's been hired  
23 to represent Triad's interests in these matters?

24 **A. Correct.**

25 Q. When was the last time you spoke with

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1 Mr. Serra?

2 **A. A few months ago.**

3 Q. When was the last time you exchanged an e-mail  
4 with Mr. Serra?

5 **A. It's been a while.**

6 Q. When was the last time you had any type of  
7 correspondence with him?

8 **A. I don't recall the exact time, but we've been**  
9 **going back and forth with trying to reach an**  
10 **understanding and an agreement with him.**

11 Q. With Mr. Serra?

12 **A. Yes.**

13 Q. As to the terms of his engagement?

14 **A. Yes.**

15 Q. Who is handling that for you?

16 **A. What do you mean by that?**

17 Q. Are you -- are you the one who's negotiating  
18 with Mr. Serra concerning the terms and conditions of  
19 his engagement?

20 **A. Yes.**

21 Q. When was the last communication you had with  
22 him concerning that subject?

23 **A. I don't remember. It was, I believe, before**  
24 **the holidays.**

25 MR. SCHWARTZ: All right. Let's mark the